HB0565805610HD0

Offered by:
  REP. NICASTRO, 79th Dist.
  REP. STONE, 9th Dist.

To: Subst. House Bill No. **5658**   File No. 145   Cal. No. 92

"AN ACT CONCERNING THE CONFIDENTIALITY OF SOCIAL SECURITY NUMBERS."

1   Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3   "Section 1. (NEW) (*Effective October 1, 2008*) (a) Any person in
4 possession of personal information shall safeguard the data, computer
5 files and documents containing the data from misuse by third parties,
6 and shall destroy, erase or make unreadable any document, computer
7 file or database containing personal information prior to disposal.

8   (b) Any person who collects Social Security numbers in the course of
9 business shall create a privacy protection policy which shall be
10 published or publicly displayed. For purposes of this subsection,
11 "publicly displayed" includes, but is not limited to, posting on an
12 Internet web page. Such policy shall: (1) Protect the confidentiality of
13 Social Security numbers, (2) prohibit unlawful disclosure of Social
14 Security numbers, and (3) limit access to Social Security numbers.

15   (c) As used in this section, "personal information" means
16   information capable of being associated with a particular individual
17   through one or more identifiers, including, but not limited to, a Social
18   Security number, a driver's license number, a state identification card
19   number, an account number, a credit or debit card number, a passport
20   number, an alien registration number or a health insurance
21   identification number, and does not include publicly available
22   information that is lawfully made available to the general public from
23   federal, state or local government records or widely distributed media.

24   (d) For persons who hold a license, registration or certificate issued
25   by a state agency other than the Department of Consumer Protection,
26   this section shall be enforceable only by such other state agency
27   pursuant to such other state agency's existing statutory and regulatory
28   authority.

29   (e) Any person or entity that violates the provisions of this section
30   shall be subject to a civil penalty of five hundred dollars for each
31   violation, provided such civil penalty shall not exceed five hundred
32   thousand dollars for any single event. It shall not be a violation of this
33   section if such violation was inadvertent.

34   (f) The provisions of this section shall not apply to any agency or
35   political subdivision of the state.

36   (g) Any civil penalties received pursuant to this section shall be
37   deposited into the privacy protection guaranty and enforcement
38   account established pursuant to section 19 of substitute senate bill 30 of
39   the current session."

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2008*	New section